

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15-CR-044-DGK
)	
EVANDRO DaCRUZ-MENDES,)	
)	
Defendant.)	

ORDER DENYING DEFENDANT’S MOTION TO SUPPRESS

Pending before the Court are Defendant’s Motion to Suppress (Doc. 37), United States Magistrate Judge John T. Maughmer’s Report and Recommendation (Doc. 52), Defendant’s objections (Doc. 57), and the Government’s response (Doc. 59). After reviewing Judge Maughmer’s report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court rules as follows.

The key issue here is whether Defendant, whose native language is Portuguese, was sufficiently proficient in English and Spanish to consent to a search of his bag, waive his *Miranda* rights, and then consent to a search of his cell phone. The Court agrees with Judge Maughmer that the evidence shows Defendant was sufficiently proficient.

Accordingly, the Court ADOPTS Judge Maughmer’s Report and Recommendation (Doc. 52) and DENIES Defendant’s Motion to Suppress (Doc. 37).

IT IS SO ORDERED.

Date: February 27, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT